

|                           |                |              |    |
|---------------------------|----------------|--------------|----|
| <b>Subject of Appeal:</b> | Break in Tempo | <b>Case:</b> | R5 |
|---------------------------|----------------|--------------|----|

|              |                                     |                  |                          |
|--------------|-------------------------------------|------------------|--------------------------|
| <b>Event</b> | 2 <sup>nd</sup> Thursday Open Pairs | <b>Event DIC</b> | Jeanne van den Meiracker |
| <b>Date</b>  | 11/30/2017                          | <b>Session</b>   | Second Session           |

### Auction

| West            | North | East            | South |
|-----------------|-------|-----------------|-------|
|                 |       |                 | Pass  |
| 1♦              | 1♠    | Dbl             | Pass  |
| 1NT             | Pass  | 4♣ <sup>1</sup> | Pass  |
| 4♠ <sup>2</sup> | Pass  | 6♥              | Pass  |
| Pass            | Pass  |                 |       |
|                 |       |                 |       |
|                 |       |                 |       |

### Explanation of Special Calls and Points of Contention

|                              |
|------------------------------|
| 1: Keycard Gerber for hearts |
| 2: Two Keycards without ♥Q   |
|                              |
|                              |
|                              |
|                              |

### Hand Record

|               |             |   |         |          |           |
|---------------|-------------|---|---------|----------|-----------|
| <b>Board</b>  | <b>7</b>    | <b>N</b>  | 300 MPS |          |           |
| <b>Dealer</b> | <b>S</b>    | ♠   | QJ873   |          |           |
|               |             | ♥   | 86      |          |           |
| <b>Vul</b>    | <b>Both</b> | ♦   | K54     |          |           |
|               |             | ♣   | A63     |          |           |
| <b>W</b>      | 5000 MPS    |  |         | <b>E</b> | 2200 MPS  |
| ♠             | A642        |   |         | ♠        | K10       |
| ♥             | J           |   |         | ♥        | AKQ109754 |
| ♦             | AQ86        |   |         | ♦        | 3         |
| ♣             | KJ54        |   |         | ♣        | 82        |
|               |             | <b>S</b>  | 400 MPS |          |           |
|               |             | ♠   | 95      |          |           |
|               |             | ♥   | 32      |          |           |
|               |             | ♦   | J10972  |          |           |
|               |             | ♣   | Q1097   |          |           |

|                       |                       |              |                     |
|-----------------------|-----------------------|--------------|---------------------|
| <b>Final Contract</b> | <b>Result of Play</b> | <b>Score</b> | <b>Opening Lead</b> |
| 6♥ by E               | Down 1                | N/S +100     | ♠9                  |

### Facts Determined at the Table

The Director was called after the play of the hand finished. After winning the ♠K, declarer cashed seven hearts and lead up to the ♣KJ in Dummy. South fidgeted, looked at the board, hesitated a moment more, and then played the ♣10. Declarer played the king losing to the ace and subsequently lost the ♣Q for down one. All agreed to the facts

### Director Ruling

South had no discernible bridge reason for his actions and could have known at the time of the action that they could work to his benefit. Therefore, an adjusted score of 6♥ by East, making 6, E/W +1430, was awarded per Law 73E2: "If the Director determines that an innocent player has drawn a false inference from a question, remark, manner, tempo or the like, of an opponent who has no demonstrable bridge reason for the action, and who could have been aware, at the time of the action, that it could work to his benefit, the Director shall award an adjusted score."

|                          |                                   |
|--------------------------|-----------------------------------|
| <b>Director's Ruling</b> | <b>6♥ by E, Made 6, E/W +1430</b> |
|--------------------------|-----------------------------------|

### The Review

N/S appealed the ruling. Each said that South did not fumble for nearly as long as declarer said he did. South said that the opponents had been intimidating them during the round.

## Panel Findings

The Panel agreed that South had no demonstrable bridge reason for his actions and the score of -1430 was clear for N/S. There was discussion on whether E/W should be awarded the full score or some percentage of it. The Director polled one player. That polled player was adamant that the break in tempo gave declarer no chance to get it right and the jack would be the normal play due to the 1♠ overcall. The declarer had stated that he intended on playing the jack before the hesitation but changed his mind based on the huddle. The Panel therefore upheld the original ruling of 6♥ by East, making 6.

The Panel unanimously felt that the appeal was without merit and felt the Appeal Without Merit Warning issued was not enough in this case. After being told several times that ignorance of the law was not a valid excuse for an appeal and South stating that he wanted to go ahead with the appeal because "a procedural penalty couldn't hurt their game", the Panel decided to assess a ¼ board procedural penalty to NS for blatantly abusing the appeal process. In addition a player memo was filed to record this in case similar actions are taken by this pair.

|                       |   |
|-----------------------|---|
| <b>Panel Decision</b> | <b>6♥ by E, Made 6, E/W +1430<br/>N/S: ¼ board Procedural Penalty</b> |
|-----------------------|---|

## Panel Members

|                 |               |
|-----------------|---------------|
| <b>Reviewer</b> | Karl Miller   |
| <b>Member</b>   | Eric Bell     |
| <b>Member</b>   | David Metcalf |

## Commentary

**Goldsmith:** The ruling is obvious. The AWMW is obvious. The player memo is great. (Good job there, Panel!) The PP is not appropriate. It makes it look as if the Directors don't want to do appeals, and that players are wasting their precious time. Let's just bring back player appeal committees if the Directors hate doing appeals so much that they have to penalize beginners who have no idea what's going on.

**Marques:** What else is there to say? South deserved everything he got.

**Meiracker:** I was involved in this case as the DIC. I know that South was claiming that he didn't know the Law, so he thought he could hesitate as long as he wants.

**Wildavsky:** Excellent work all around. The TD might have applied a procedural penalty as well. South did not help his cause with his "Tu quoque" contention regarding intimidation, but he had no case to begin with.

**Willenken:** Great job here including the PP.

**Woolsey:** It is clearly right to throw the book at N/S. This is as blatant a coffeehouse as there could be, My only question is what score to assign to E/W. As I understand things, one draws inferences from mannerisms of the opponent at one's own risk. That would appear to mean that when declarer read from the table action that South had the ace of clubs, he did so at his own risk. It doesn't seem to me that he is entitled to +1430 for misguessing. Since this is a pair game, I believe it is proper to give a split ruling with both pairs getting the worst of it. However, maybe that isn't what the rules are saying.